

by the tests laid down in the said pharmacopoeia official at the time of investigation of the article, in that said pharmacopoeia provides that solution of pituitary contain the water-soluble principle or principles from the fresh posterior lobe of the pituitary body of cattle, 1 cc having an activity upon the isolated uterus of the virgin guinea pig, corresponding to not less than 80 percent and not more than 120 percent of that produced by 0.005 g of the standard powdered pituitary prepared as directed; whereas 1 cc of said article possessed an activity upon the isolated uterus of the virgin guinea pig, corresponding (in the sample taken from the first shipment) to 266 percent and (in the sample taken from the second shipment) to 220 percent of that produced by 0.005 g of the standard powdered pituitary prepared as directed by said United States Pharmacopoeia; and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be pituitary extract that conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not pituitary extract that conformed to said standard.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Box and individual ampoule carton) "Pituitary Extract * * * U. S. P. Strength A * * * Standardized Solution of the Active Principle of the Posterior Lobe of Pituitary Glands"; (ampoule) "Pituitary Ext. * * * U. S. P. Strength"; (circular) "The physician in prescribing Lilly's Pituitary Extract, can be assured of obtaining an extract * * * uniform in strength."

On August 19, 1933, the defendant was arraigned and a plea of not guilty was entered. On June 8, 1934, a jury having been waived and the case having come on for trial before the court, the defendant was found not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

22953. Adulteration and misbranding of tincture of aconite, cinchophen tablets, aromatic spirits of ammonia, and mineral oil. U. S. v. Gibson-Howell Co., Inc. Plea of guilty. Fine, \$600. (F. & D. no. 30316. Sample nos. 10221-A, 10225-A, 21655-A, 21657-A, 21671-A, 31656-A.)

This case was based on interstate shipments of tincture of aconite, aromatic spirits of ammonia, and alleged heavy mineral oil, which differed from the standard established by the United States Pharmacopoeia, and of a shipment of cinchophen tablets which contained less cinchophen than declared on the label. The mineral oil was falsely branded as to the name of the manufacturer and place of manufacture.

On April 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gibson-Howell Co., Inc., a corporation, Jersey City, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, between the dates of January 14 and March 24, 1933, from the State of New Jersey into the State of New York, of quantities of tincture of aconite, cinchophen tablets, aromatic spirits of ammonia, and mineral oil which were adulterated and misbranded. The articles were labeled, variously: "Tincture of Aconite U. S. P. * * * Prepared for Whelan Drug Company, Inc., New York"; "Cinchophen (Phenylcinchoninic acid) * * * 7½ gr. * * * Distributed by Whelan Laboratories, Inc., New York"; "Honor Pycchoe Macho * * * Imported Russian Mineral Oil * * * Honor Research Laboratories, New York * * * Heavy Genuine Imported"; "Aromatic Spirits Ammonia U. S. P. * * * Distributed By Whelan Laboratories, Inc., New York."

It was alleged in the information that the tincture of aconite, aromatic spirits ammonia, and mineral oil were adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, in the following respects:

The tincture of aconite, when administered subcutaneously to guinea pigs had a minimum lethal dose of not less than 0.0015 cc for each gram of body weight of guinea pig, whereas the pharmacopoeia provides that tincture of aconite shall have a minimum lethal dose of not more than 0.00045 cc for each gram of body weight of guinea pig; the aromatic spirits ammonia contained less than 90 cc of ammonia water per 1,000 cc, samples from the two shipments

having been found to contain not more than 70.54 and 72.88 cc, respectively, of ammonia water per 1,000 cc, whereas the pharmacopoeia provides that 1,000 cc of aromatic spirits of ammonia shall contain not less than 90 cc of ammonia water; the alleged heavy mineral oil had a kinetic viscosity of not more than 0.171 at 27.8° C., whereas the pharmacopoeia provides that heavy mineral oil shall have a kinetic viscosity of not less than 0.381 at 37.8°; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof. Adulteration was alleged with respect to all products for the reason that their strength and purity fell below the professed standard and quality under which they were sold in that the tincture of aconite and aromatic spirits ammonia were represented to conform to the standard laid down in the pharmacopoeia; whereas they did not conform to the standard laid down in that authority; the mineral oil was represented to be heavy Russian mineral oil, whereas it was not heavy Russian mineral oil, and the cinchophen tablets were represented to contain 7½ grains of cinchophen per tablet, whereas they contained not more than 6.27 grains of cinchophen per tablet.

Misbranding was alleged for the reason that the statements, "Tincture of Aconite U. S. P.", "Cinchophen * * * Tablets—7½ gr.", "Aromatic Spirits Ammonia U. S. P.", "Russian Mineral Oil, Heavy * * * Honor Research Laboratories, New York, Chicago", in the labeling were false and misleading, since the said statements represented that the tincture of aconite and aromatic spirits of ammonia conformed to the standard laid down in the United States Pharmacopoeia, that the cinchophen tablets contained 7½ grains of cinchophen each, and that the mineral oil was heavy Russian mineral oil manufactured by the Honor Research Laboratories; whereas the tincture of aconite and aromatic spirits ammonia did not conform to the standard laid down in the pharmacopoeia, the cinchophen tablets contained less than 7½ grains of cinchophen, and the mineral oil was not Russian Mineral Oil Heavy, and was not manufactured by the Honor Research Laboratories, New York and Chicago. Misbranding of the mineral oil was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was represented to have been manufactured and produced by the Honor Research Laboratories, New York and Chicago, whereas it was manufactured and produced by the Gibson-Howell Sales Co., Jersey City, N. J.

On June 28, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$600.

M. L. WILSON, *Acting Secretary of Agriculture.*

22954. Misbranding of Bromo Paper. U. S. v. 14 Cases of Bromo Paper. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31189. Sample nos. 23458-A, 45001-A, 45002-A, 45003-A.)

This case involved a shipment of Bromo paper that was labeled with unwarranted curative and therapeutic claims.

On October 2, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases, 50 boxes each of Bromo Paper, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce in various shipments on or about February 28, April 22, and August 1, 1933, by the Diamond Mills Paper Co., from Saugerties, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tissue paper impregnated with a small amount of mineral oil and a small amount of carbolic acid.

It was alleged in the libel that the article was misbranded in that the statement on the label and in the circular, "A positive preventative of that most distressing and almost universal complaint the Piles", was false and fraudulent.

On September 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22955. Misbranding of Sanmetto. U. S. v. 36 Bottles of Sanmetto. Default decree of condemnation and destruction. (F. & D. no. 31190. Sample no. 49715-A.)

This case involved a drug preparation labeled with unwarranted therapeutic claims.

On October 11, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the